

**REMARKS/ARGUMENTS**

Claims 23-25 and 27-29, and 53 are pending in the application.

Reconsideration and a withdrawal of the Examiner's rejections are hereby respectfully requested in view of the following remarks.

**The 103(a) Rejection of claims 53 and 23 over Wilson in view of Cameron (AU 9466054).**

Claims 53 and 23 stand rejected as being obvious in view of Wilson (US 5,641,233) and Cameron (AU 9466054 A). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal thereof are hereby respectfully requested.

Applicant's invention is not obvious in view of the cited references, and should be patentable. First, Wilson fails to disclose a method for eliminating unwanted vegetation growth or controlling pesticides, including the steps provided in the Applicant's claims. Second, even considering what the Examiner cites Wilson for, this reference is still deficient of the disclosure or teaching of the Applicant's invention. Wilson discloses a removable brush applicator part (11). When the present method is used, herbicides and pesticides would not desire a removable brush, so one of ordinary skill looking to apply herbicides and pesticides would not have thought it obvious in view of Wilson's disclosure to seek to apply Wilson for pesticide or herbicide delivery. The steps of the present method which the Examiner asserts may be taught or disclosed by Wilson, would not be practical or obvious to one considering the pesticide/herbicide delivery method provided by the Applicant's novel method.

In addition to the lack of any teaching or disclosure by Wilson of the Applicant's method involving pesticide or herbicide delivery for the above reasons,

there are additional reasons supporting the patentability of the Applicant's invention. Viewing Wilson for what it fairly discloses, reveals that, contrary to the Examiner's position, Wilson does not teach or disclose the steps of the Applicant's presently claimed invention. As Applicant understands Wilson, from a comparison of the drawings in Wilson, namely, Fig. 1 and Fig. 2, when the Wilson brush is applied, as the Examiner asserts, the Wilson valve does not regulate flow, but merely, as it appears from the drawings, opens or closes the path to the brush 12 through the coaxial aperture 20 and second coaxial aperture 31. Applicant's claimed method is not taught or suggested for this reason also, since Applicant's invention claims the step of *regulating the flow of said herbicide or pesticide delivered by said brush to the surface . . . applying a force to move the second valve element from a first position to a second position, the second position being one of a plurality of a range of positions which permits flow communication from said reservoir to said brush*. Accordingly, Wilson fails to teach, suggest or disclose this feature of the Applicant's invention.

Furthermore, Applicant has amended claim 53, the dependent claim, to more particularly articulate the invention. There does not appear in Wilson to be disclosed the method step of the Applicant's present invention wherein the movement of said second valve element relative to said first valve element includes movement of a sealing member therealong with which maintains engagement with said first valve element during said movement. This amendment has been made to claim 53, and is fully supported by the specification. Applicant refers the Examiner to p. 11 lines 7-15, wherein the Applicant discusses the locking rims 47 and 48. Thus the sealing member or locking rim is part of the Applicant's invention where herbicides and pesticides are to be delivered. As pointed out above, a reading of Wilson would appear to show that the flow comes from a first coaxial aperture (20) of what the Examiner considers to be the valve, into the second coaxial aperture (31) leading to the brush bristles. It does not appear that Wilson discloses the regulatable valve for

delivering flow as claimed in the Applicant's invention. But even assuming this were the case, Applicant's claims, as amended, now include the features of moving a sealing member along with a valve part. Applicant submits that Wilson fails to teach, suggest or disclose this feature.

For the above reasons, Wilson cannot teach, suggest or disclose the Applicant's presently claimed inventive method.

Even when the proposed combination of Wilson with the further reference of Cameron is attempted, the references still do not teach, suggest or disclose the Applicant's invention for the same reasons.

Since the dependent claims 23-25 and 27-29 are dependent from claim 53, for the same reasons, these claims should be patentable. Wilson fails to teach, suggest or disclose the Applicant's invention as recited in the dependent claims. Even when Wilson is attempted to be combined with the further reference of Cameron, Ostrowsky, or both, the Applicant's claimed invention is not obvious for the reasons set forth above. The references, alone or when combined, fail to teach, suggest or disclose the Applicant's claimed method of delivering pesticides and herbicides.

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**CONCLUSION**

Applicant hereby respectfully requests reconsideration and a withdrawal of the rejections as applied to claim 53. The remaining claims, 23-25 and 27-29, depend directly or ultimately from claim 53 and also should be patentable.

If further matters remain in connection with this application the Examiner is invited to telephone the Applicant's undersigned representative to resolve them.

In the event that a fee is required or an additional fee or amount is required in connection with the filing of this Amendment, the Commissioner is hereby authorized to charge a fee or additional fee to Deposit Account Number 05-0208.

In the event that an extension of time, or additional extension of time if one has already been requested, is required, the Commissioner is hereby respectfully requested to consider this a request for a petition for the necessary extension of time and to charge any fees to Deposit Account No. 05-0208.

Respectfully Submitted,

Harding, Earley, Follmer & Frailey  
Attorneys for Applicant



Frank J. Bonini, Jr.

Reg. No. 35,452

P.O. Box 750

Valley Forge, PA 19482

Telephone: (610) 935-2300

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